

-22-

REMARKS

In response to the Office Action mailed on July 16, 2004, Applicants respectfully request reconsideration. Claims 1-41 are pending in this application. Claims 1, 16, 23, and 30 are independent claims and the remaining claims are dependent claims. In this amendment, claims 4, 5, 8, 10, 13, 14, 18, 20, 22, 25, 27, 29, 31, 32, 35, 37, 40, and 41 have been amended. Applicants believe that the claims as presented herein are now in condition for allowance. A notice to this affect is respectfully requested.

The specification and sheet 9 of the drawings have been amended to correct typographical errors, principally in the citations to reference numerals on the figures, and not for any reason related to patentability as contemplated in *Festo* and its progeny. No new matter has been added.

Claims 4, 10, 13, 14, 20, 22, 25, 27, 29, 31, 37, 40, and 41 have been amended solely to correct typographical errors and not for any reason related to patentability as contemplated in *Festo* and its progeny. No new matter has been added.

Claim 18 was objected to because of an informality. Claim 18 is amended herein to correct this informality only and not for any reason related to patentability as contemplated in *Festo* and its progeny. Applicants thus respectfully request withdrawal of this objection.

Claims 11, 19, 26, and 38 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The Examiner stated that the claims “recite the steps of updating the queue for an instance of the component type other than the requested instance of the component type and of unregistering the client session” and that “these steps have not been enabled.” Applicants respectfully traverse.

Support for the element “determining one event listener providing state change information to the update queue for an instance of the component type other than the requested instance of the component type and submitting a request to the determined event listener to unregister the client session for the client submitting the client request” of claims 11, 19, 26, and 38 (emphasis added) is found in the specification in various places. For example, on page 6, lines 24-25 and Fig. 3, the specification describes update queue arrays 24a...n as “including multiple queues 60a...k, one for each frame for which updates are provided.” Page 7, lines 1-3, state “The update queue array 24a...n further identifies in an event listener field 62a...k the event listener object 28a...j providing content updates to the particular queue 60a...k” (emphasis added). The specification thus discloses a plurality of frame update queues (denoted 60a...k in the specification and Fig. 3) each having a corresponding event listener object ID field 62a...k. Furthermore, each event listener object ID field 62a...k designates a particular event listener object 28a...j that is to provide “content updates to the particular queue 60a...k.” (Id. at lines 2-3) Since multiple event listener objects are described, each associated with a different update queue, and since the update queues can operate independently of each other (see, e.g., page 7, line 3: “an update queue... may provide updates for multiple frames.”), the capability for multiple updates of different component instances is necessarily disclosed as part of the invention. And, as noted at page 8, line 9 through page 9, line 20 and in Fig. 8, when a user selects a different component instance in the navigation pane than one previously selected, a new instance of the event listener object must be instantiated and registered (blocks

152, 154, and 156 of Fig. 8 and page 8, line 22 - page 9, line 3). Clearly, selecting a different component instance is selecting an instance “other than the [originally] requested instance.” And registering a new client session requires unregistering the old client session. See, e.g., block 164 of Fig. 8 (“remov[ing] client session ID of browser from registered sessions”) and page 9, lines 13-20 (“The servlet... then submits a request... to remove the client session ID... from the registered sessions... of the event listener object...” [emphasis added]). Thus, both “state change information... for an instance of the component type other than the requested instance” and “submitting a request... to unregister the client session” are enabled and supported by the specification. Applicants therefore respectfully request withdrawal of this rejection of claims 11, 19, 26, and 38.

Claims 5, 8, 32, and 35 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for a lack of antecedent basis for certain terms. Without conceding indefiniteness, a rejection with which Applicants respectfully disagree, Applicants offer the above amendments to these claims in order to correct the noted grammatical imprecision. Applicants thank the Examiner for his careful review and suggested improvements.

Claims 1-6, 8, 16, 23, 30-33, and 35 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,480,883 (hereinafter Tsutsumitake). Applicants respectfully traverse and assert that these claims are not anticipated by any disclosure in this reference.

Independent claims 1, 16, 23, and 30 are distinguished from Tsutsumitaki because they each recite the limitation “wherein the page includes multiple regions of dynamic content” (emphasis added). This limitation is neither taught

nor implied by Tsutsumitaki in any form; instead, Tsutsumitaki only teaches real-time information transmission to a single, unitary web page. Indeed, the terms “region” or “regions” are not found anywhere in Tsutsumitake. The Examiner has provided no citation of any teaching or implication in the reference of a client capable of displaying a page that “includes multiple regions of dynamic content.” Lacking this limitation, Tsutsumitaki cannot anticipate these independent claims.

Since all of the dependent claims depend from independent claims 1, 16, 23, and 30, these dependent claims are therefore allowable for at least the same reasons as the independent claims. Accordingly, Applicants respectfully request withdrawal of this rejection.

Applicants also respectfully disagree with the Examiner’s contention that the term “queuing” recited in each of the independent claims 1, 16, 23, and 30 “is considered inherent since the state changes must at least be stored in temporary memory at the server...” (Office Action, paragraph 11). The common, dictionary definition of “queuing” known and employed by those of ordinary skill in the routing arts always implies a time-ordered storage scheme. By contrast, however, “stor[ing] in temporary memory” does not imply any ordering of the data. Thus, while temporary storage may be “inherent” in certain applications, “queuing” is not, and therefore this limitation is not implied by the Tsutsumitaki reference. Since Tsutsumitaki thus fails to teach the “queuing” limitation of each independent claim 1, 16, 23, and 30, Tsutsumitaki cannot be said to anticipate these claims.

Furthermore, independent claim 1 also recites “A method for providing... wherein the server performs... generating an update package...” (emphasis added). Tsutsumitaki, contrary to the Examiner’s assertion, does not teach this step as being performed by the server. Instead, Tsutsumitaki teaches by example the generation of an alarm event by event generating unit 107 (at column 8, lines 57-65) and the processing of that alarm event by event receiving

unit 114 (at column 10, lines 7-9). Closer inspection of column 9, line 92 through column 10, line 15 and Fig. 1 shows that while event generating unit 107 is a component of server 10, event receiving unit 114 is part of information display client 11. Accordingly, since the reference teaches “generating an update package” outside the server, the Tsutsumitaki reference teaches away from the recited claim limitation that “the server performs...” each recited function. Thus, for failing to teach all elements of claim 1, Tsutsumitaki cannot anticipate claim 1.

Independent claim 16 contains an analogous limitation (“... including code executed by the processing unit...”), which is likewise neither taught nor implied by Tsutsumitaki. As discussed above, Tsutsumitaki teaches event processing within the client, instead of by the “processing unit” as recited in claim 16. Accordingly, Tsutsumitaki cannot anticipate claim 16 or claims 17-22 depending therefrom.

Dependant claims 9-15, 17-22, 24-29, and 36-41, which depend respectively from independent claims 1, 16, 23, and 30, were rejected under 35 U.S.C. §103(a) as being obvious over Tsutsumitake in view of Smith et al., U.S. Patent Application No. 2002/0016839 (hereinafter Smith). Claims 7 and 34 were rejected under 35 U.S.C. §103(a) as being obvious over Tsutsumitake in view of Bayeh et al., U.S. Patent No. 6,633,914 (hereinafter Bayeh). For the reasons discussed above with respect to Applicants' traverse of the Examiner's §102 rejection, the present §103 rejections of dependent claims 7, 9-15, 17-22, 24-29, 34, and 36-41 are moot. Applicants therefore respectfully request withdrawal of these rejections.

In the alternative, Applicants respectfully traverse and assert that these claims are not anticipated by this combination of references. In each of the Examiner's obviousness rejections (Office Action paragraphs 22-27), the Examiner has failed to cite any motivation to combine the cited references.

Instead, the Examiner appears to have relied on improper hindsight to read the combined references as teaching or implying the limitations of the claims.

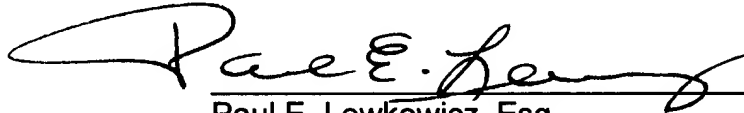
Even if the Examiner were to be able to cite evidence of a motivation to combine as required by MPEP sections 2143 and 2144 and the decisional case law of obviousness, the shortcomings of the Tsutsumitaki reference noted above are not cured by either the Smith or Bayeh references. Neither Smith nor Bayeh teach nor imply the claim elements noted above as missing from Tsutsumitake. See, e.g., In re Paulson, 30 F.3d 1475, 1482 (Fed. Cir. 1994) (“multiple cited prior art references must suggest the desirability of being combined”); In re Oetiker, 977 F.2d 1443, 1447 (Fed. Cir. 1992) (“There must be some reason, suggestion, or motivation found in the prior art... That knowledge cannot come from the applicant’s invention itself.”); Ecolochem, Inc. v. Southern California Edison Co., 56 U.S.P.Q.2d 1065 (Fed. Cir. 2000), citing In re Dembiczak, 175 F.3d 994, 999 (Fed. Cir. 1999) (“Combining prior art references without evidence of such suggestion, teaching, or motivation simply takes the inventor’s disclosure as a blueprint for piecing together the prior art to defeat patentability — the essence of hindsight”). See also In re Werner Kotzab, 217 F.3d 1365 (Fed. Cir. 2000).

-28-

There is no fee required for the present amendment. If the U.S. Patent and Trademark Office deems a fee necessary, this fee may be charged to the undersigned via Deposit Account No. 50-0901.

If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (508) 366-9600.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul E. Lewkowicz", written over a horizontal line.

Paul E. Lewkowicz, Esq.
Attorney for Applicants
Registration No.: 44,870
CHAPIN & HUANG, L.L.C.
Westborough Office Park
1700 West Park Drive
Westborough, MA 01581
Telephone: (508) 366-9600
Facsimile: (508) 616-9805
Customer No.: 022468

IN THE DRAWINGS

Please replace sheet 9 of the drawings (containing Fig. 13) with the enclosed replacement sheet. The sole change is a correction to the reference designation for the graphical representation of the selected component 420, which had been incorrectly labeled in the figure as "406." This change conforms the drawing to the text of the specification. No new matter has been added.